

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KEYONDA BASKERVILLE, *on behalf of I.S.B.*,

Plaintiff,

-against-

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

20-CV-0144 (CM)

TRANSFER ORDER

COLLEEN McMAHON, Chief United States District Judge:

Plaintiff brings this *pro se* action seeking review of the Commissioner of Social Security's decision denying her minor child's application for disability benefits, pursuant to the Social Security Act, 42 U.S.C. §§ 405(g) and/or 1383(c)(3). For the following reasons, this action is transferred to the United States District Court for the Eastern District of New York.

An action filed pursuant to 42 U.S.C. §§ 405(g) and/or 1383(c)(3) may be brought only in "the district court of the United States for the judicial district in which the plaintiff resides, or has his principal place of business, or, if he does not reside or have his principal place of business within any such judicial district, in the United States District Court for the District of Columbia." 42 U.S.C. § 405(g); *see* § 1383(c)(3) ("The final determination of the Commissioner of Social Security after a hearing under [§ 1383(c)(1)] shall be subject to judicial review as provided in section 405(g).").

Plaintiff resides in King County, New York, which is within the Eastern District of New York. *See* 28 U.S.C. § 112(c). Accordingly, venue is not proper in this Court. Because venue does lie in the Eastern District of New York, *see* 42 U.S.C. §§ 405(g) and 1383(c)(3), this action is transferred in the interest of justice to the United States District Court for the Eastern District of New York. 28 U.S.C. § 1406(a).

CONCLUSION

The Clerk of Court is directed to assign this matter to my docket and mail a copy of this order to Plaintiff, noting service on the docket. The Clerk of Court is further directed to transfer this action to the United States District Court for the Eastern District of New York. A summons shall not issue from this Court. This order closes the case in the Southern District of New York.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: January 9, 2020
New York, New York

A handwritten signature in black ink, appearing to read "Colleen McMahon", is written over a horizontal line.

COLLEEN McMAHON
Chief United States District Judge